

1 Staff Summary

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3 This Ordinance creates requirements for ATV's and their operators on property other than their  
4 own. Pursuant to Chapter 15 of the Lake County Code, it is the duty of the Lake County Sheriff's  
5 Office and other law enforcement officers to enforce the rules and regulations contained in this  
6 chapter.

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8 **ORDINANCE NO. 2015-\_\_**

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10 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
11 **LAKE COUNTY, FLORIDA, AMENDING LAKE COUNTY CODE**  
12 **CHAPTER 15, SECTION 15-13, ENTITLED "ALL TERRAIN VEHICLE**  
13 **OPERATION ON UNPAVED ROADWAYS"; RENAMING SECTION 15-**  
14 **13 TO "OPERATION OF ALL TERRAIN-VEHICLES"; PROVIDING FOR**  
15 **PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING**  
16 **FOR SEVERABILITY; PROVIDING FOR FILING WITH THE**  
17 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE**  
18 **DATE.**

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21 **WHEREAS**, the operation of all-terrain vehicles near residential area can adversely  
22 affect health, safety and welfare of residents; and

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24 **WHEREAS**, the operation of all-terrain vehicles on property without the property  
25 owner's consent may have adverse impacts on the property owner and their neighbors;

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27 **WHEREAS**, the Board desires to ensure the safe operation of all-terrain vehicles in  
28 authorized areas to ensure the property rights of all residents are protected; and

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30 **WHEREAS**, the Board of County Commissioners finds that it is in the best interests of  
31 the citizens of Lake County, Florida to enact this ordinance.

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33 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
34 Lake County, Florida, as follows:

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36 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated  
37 herein by reference

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39 **Section 2. Renaming.** Lake County Code Chapter 15, Section 15-13, entitled  
40 "All-Terrain Vehicle Operation on Unpaved Roadways" is hereby renamed "All-Terrain Vehicle  
41 Operation".

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43 **Section 3. Amending.** Lake County Code Chapter 15, Section 15-13, entitled  
44 "Operation of All-Terrain Vehicles" is hereby amended as follows:

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46 | (a) Operation of all-terrain vehicles on unpaved roads. The provisions of F.S. §  
47 316.2123(1), conditionally allowing all-terrain vehicle operation upon unpaved  
48 roadways, shall not be applicable in Lake County.

(b) The operator of an all-terrain vehicle shall have the written, and signed, permission of the property owner, if not owned by the operator. Such written permission shall have a contact address and phone number for the property owner and shall be on the operator's person while operating the vehicle on such lands.

(c) Every all-terrain vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(d) Every person found guilty of a violation of any of the provisions of section shall be punished by a fine up to two hundred dollars (\$200.00) per incident.

**Section 4. Inclusion in the Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Severability.** If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

**Section 6. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

**Section 7. Effective Date.** This ordinance shall become effective as provided for by law.

Enacted this \_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Secretary of State \_\_\_\_\_, 2015.

ATTEST: BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Neil Kelly, Clerk of the Board of County Commissioners of Lake County, Florida

\_\_\_\_\_  
Jimmy Conner, Chairman

This \_\_\_ day of \_\_\_\_\_, 2015.

Approved as to form and legality:

\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney